	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		GRANT NUMBER (FAIN): 00242002		DATE OF AWARD 08/28/2013		
			MODIFICATION NUMBER: B				
			PROGRAM CODE: V		TYPE OF ACTION Augmentation: Increase		MAILING DATE 09/04/2013
			PAYMENT METHOD: Advance		ACH# 20047		
RECIPIENT TYPE: State			Send Payment Request to: EPA, Las Vegas Finance Center				
RECIPIENT:			PAYEE:				
New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928			New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST			
Fred Mumford 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: Fred.Mumford@dep.state.nj.us Phone: 609-530-2474		James Desir 290 Broadway, ERRD/SPB New York, NY 10007-1866 E-Mail: Desir.James@epamail.epa.gov Phone: 212-637-4342		Cynthia Pabon Grants and Audit Mgt Branch, OPM/GAMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405			
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> Hazardous Waste Site Inventory Preliminary Assessments and Site Investigations (PA-SI) This amendment increases the agreement by \$765,000 from \$10,818,008 to \$11,583,008. In addition, the budget and project period expiration dates for this agreement are extended to September 30, 2014. Also, the Administrative Conditions section includes a new Civil Rights condition.							
BUDGET PERIOD 10/01/2002 - 09/30/2014		PROJECT PERIOD 10/01/2002 - 09/30/2014		TOTAL BUDGET PERIOD COST \$11,583,008.00			
				TOTAL PROJECT PERIOD COST \$11,583,008.00			
<b>NOTICE OF AWARD</b>							
Based on your Application dated 05/15/2013 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$765,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$11,583,008. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE				
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS				
Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866				
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>							
Digital signature applied by EPA Award Official for Donna J. Vizian - Assistant Regional Administrator for Policy and Management  Richard Manna - Award Official delegate					DATE 08/28/2013		

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 10,818,008	\$ 765,000	\$ 11,583,008
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 10,818,008	\$ 765,000	\$ 11,583,008

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
NJ PA/SI	132AHE0076	13	T	2AD0P	303DD2	4185	02ZZQB00	C036	765,000
									765,000



## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$4,985,342
2. Fringe Benefits	\$1,702,907
3. Travel	\$68,161
4. Equipment	\$150,500
5. Supplies	\$208,040
6. Contractual	\$2,569,100
7. Construction	\$0
8. Other	\$353,098
9. Total Direct Charges	\$10,037,148
10. Indirect Costs: % Base	\$1,545,860
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$11,583,008
12. Total Approved Assistance Amount	\$11,583,008
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$765,000
15. Total EPA Amount Awarded To Date	\$11,583,008

### **Administrative Conditions**

The following condition is added:

#### **31. CIVIL RIGHTS OBLIGATIONS**

##### **GENERAL**

This term and condition incorporates by reference the signed assurance provided by the recipient's authorized representative on: 1) EPA Form 4700-4, "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance"; and 2) Standard Form 424B or Standard Form 424D, as applicable. These assurances and this term and condition obligate the recipient to comply fully with applicable civil rights statutes and implementing EPA regulations.

##### **STATUTORY REQUIREMENTS**

In carrying out this agreement, the recipient must comply with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP), by entities receiving Federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities by entities receiving Federal financial assistance; and
- The Age Discrimination Act of 1975, which prohibits age discrimination by entities receiving Federal financial assistance.

If the recipient is conducting an education program under this agreement, it must also comply with:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities operated by entities receiving Federal financial assistance.

If this agreement is funded with financial assistance under the Clean Water Act (CWA), the recipient must also comply with:

- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex in CWA-funded programs or activities.

##### **REGULATORY REQUIREMENTS**

The recipient agrees to comply with all applicable EPA civil rights regulations, including:

- For Title IX obligations, 40 C.F.R. Part 5; and

- For Title VI, Section 504, Age Discrimination Act, and Section 13 obligations, 40 C.F.R. Part 7.
- As noted on the EPA Form 4700-4 signed by the recipient's authorized representative, these regulations establish specific requirements including maintaining compliance information, establishing grievance procedures, designating a Civil Rights Coordinator, and providing notices of non-discrimination.

#### **TITLE VI – LEP, Public Participation and Affirmative Compliance Obligation**

- As a recipient of EPA financial assistance, you are required by Title VI of the Civil Rights Act to provide meaningful access to LEP individuals. In implementing that requirement, the recipient agrees to use as a guide the Office of Civil Rights (OCR) document entitled *"Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons."* The guidance can be found at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004\\_register&docid=fr25jn04-79.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25jn04-79.pdf)
- If the recipient is administering permitting programs under this agreement, the recipient agrees to use as a guide OCR's Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs. The Guidance can be found at <http://edocket.access.gpo.gov/2006/pdf/06-2691.pdf>.
- In accepting this assistance agreement, the recipient acknowledges it has an affirmative obligation to implement effective Title VI compliance programs and ensure that its actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral. The recipient must be prepared to demonstrate to EPA that such compliance programs exist and are being implemented or to otherwise demonstrate how it is meeting its Title VI obligations.

All other Administrative Conditions remain the same.

#### **Programmatic Conditions**

.All Programmatic terms and conditions remain the same.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

September 4, 2013

**VIA E-MAIL**

**Agreement No. V00242002  
Amendment No. B**

Bob Martin  
Commissioner  
New Jersey Dept of Environmental Protection  
440 East State Street, P.O. Box 420  
Trenton, NJ 08625-0420

Attention: Magdalena Padilla

Subject: Hazardous Waste Site Inventory Cooperative Agreement

Dear Commissioner Martin:

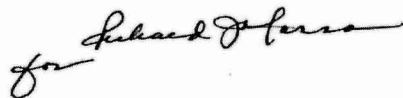
I am pleased to enclose Amendment B to the above-referenced agreement. This amendment increases the agreement by \$765,000 from \$10,818,008 to \$11,583,008 as requested in your application dated May 15, 2013. In addition, the budget and project period expiration dates are extended to September 30, 2014. Your attention is directed to Administrative Condition No. 31, which describes Civil Rights compliance requirements.

As a reminder, EPA has eliminated the requirement for recipients to submit a signed Affirmation of Award for assistance agreements. An assistance agreement recipient demonstrates its commitment to carry out the award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or, 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. Please see the "Notice of Award" section of the agreement for more information. Due to this change, you are not required to sign and return a copy of the attached agreement. However, if you wish to file a notice of disagreement with the award terms and conditions, you have the option of either emailing your notice to [Region2\\_GrantApplicationBox@epa.gov](mailto:Region2_GrantApplicationBox@epa.gov) or mailing it to:

Roch Baamonde, Chief  
Grants and Audit Management Branch  
U.S. EPA Region 2  
290 Broadway, 27<sup>th</sup> Floor  
New York, NY 10007

All email attachments must be sent in pdf format. Documents emailed to us in any other format cannot be accepted. Also, be advised that any electronic submissions exceeding 15 Megabytes must be mailed.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna J. Vizian", with a stylized flourish at the end.

Donna J. Vizian  
Assistant Regional Administrator  
for Policy and Management

Enclosure

cc: Fred Mumford, NJDEP  
Therese Kell, NJDEP  
James Desir, EPA





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

**MEMORANDUM**

SUBJECT: Waiver for Project Duration of the Hazardous Waste Site Inventory Program (PA/SI) New Jersey Department of Environmental Protection Cooperative Agreement

FROM: Cathy Vass, Director *C. Vass*  
National Policy, Training and Compliance Division  
Office of Grants and Debarment

TO: Walter E. Mugdan, Director  
Emergency and Remedial Response Division

Donna Vizian  
Assistant Regional Administrator for Policy & Management

I am responding to your request for a waiver from Grant Policy Issuance (IPI) 08-02 for PA/SI Specific Cooperative Agreement No. VC00242002-06 with the New Jersey Department of Environmental Protection (NJDEP). The request is to extend the agreement which expires 9/30/09 for an additional eight years until 9/30/18.

**Background**

Grants Policy Issuance 08-02: Guidance on Project Period Duration and the Use of New Awards to Fund Additional Work (February 1, 2008) established seven (7) years as a maximum project duration. As an alternative, a Revised Request for Class Waiver from Grants Policy Issuance 08-02 for Certain Superfund Actions (October 24, 2008) was approved, allowing fifteen (15) years as a maximum project duration for the following Superfund-financed ('class') activities:

- CAs for Long-Term Response Actions;
- CAs for Remedial Actions; and
- CAs for sequential Remedial Investigations/Feasibility Study, Remedial Design and/or Remedial Design/Remedial Action activities.

In response to a written request from the appropriate Senior Resource Official, the OGD Director, or designee, may approve waivers to the seven year guidance on a class or individual

basis because of national security concerns, circumstances of unusual or compelling urgency, unique programmatic considerations or because the waiver would be in the public interest. The exception to the policy is for Superfund Agreements which can extend for fifteen years unless there is a specific regulatory or statutory authorization for a longer project period or a signed waiver due to unique programmatic considerations.

The project periods and budget periods for the NJDEP Hazardous Waste Site Inventory (PA/SI) Program began 10/01/2002 expires 9/30/09. The approval of this waiver will extend the project and budget periods for an additional 8 years to make this CA consistent with Superfund remedial cooperative agreements that have a 15 year duration.

This extension is necessary so that NJDEP can continue to conduct Pre-CERCLIS Screenings Assessments (PSAs), Preliminary Assessments (PAS), Site Inspections (SIs), Expanded Site Inspections (ESIs), and Site Reassessments (SRS). The Cooperative Agreement funds are used to enhance and assist NJDEP's effective participation in the Superfund Program. The funds are also used for training the NJDEP staff and assure their participation in national meetings and conferences in Superfund related matters. There is a balance of funds which the grantee will be able to continue to draw down under this agreement until 9/30/18. Extending this CA is in the public's interest as resources are saved by not closing out and re-opening a similar agreement.

#### **NPM Recommendation**

The Office of Superfund Remediation and Technology Innovation, Office of Solid Waste and Emergency Response recommends that the waiver request be approved.

#### **ACTION**

I have carefully reviewed the waiver request and agree with the Region's assessment that a seven year project period limit is not appropriate for this agreement due to unique programmatic considerations. Accordingly, I am approving the request. The waiver will allow EPA Region 2 to extend the budget/project period to 9/30/18.

cc: Howard Corcoran  
Ellen O'Boyle  
Barbara McDonough  
Courtney McEnery  
Roch Boamonde



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

September 4, 2013

**VIA E-MAIL**

**Agreement No. V00242002  
Amendment No. B**

Bob Martin  
Commissioner  
New Jersey Dept of Environmental Protection  
440 East State Street, P.O. Box 420  
Trenton, NJ 08625-0420

Attention: Magdalena Padilla

Subject: Hazardous Waste Site Inventory Cooperative Agreement

Dear Commissioner Martin:

I am pleased to enclose Amendment B to the above-referenced agreement. This amendment increases the agreement by \$765,000 from \$10,818,008 to \$11,583,008 as requested in your application dated May 15, 2013. In addition, the budget and project period expiration dates are extended to September 30, 2014. Your attention is directed to Administrative Condition No. 31, which describes Civil Rights compliance requirements.

As a reminder, EPA has eliminated the requirement for recipients to submit a signed Affirmation of Award for assistance agreements. An assistance agreement recipient demonstrates its commitment to carry out the award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or, 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. Please see the "Notice of Award" section of the agreement for more information. Due to this change, you are not required to sign and return a copy of the attached agreement. However, if you wish to file a notice of disagreement with the award terms and conditions, you have the option of either emailing your notice to [Region2\\_GrantApplicationBox@epa.gov](mailto:Region2_GrantApplicationBox@epa.gov) or mailing it to:

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New York, NY 10007

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Sincerely,

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Donna J. Vizian  
Assistant Regional Administrator  
for Policy and Management

Enclosure

cc: Fred Mumford, NJDEP  
Therese Kell, NJDEP  
James Desir, EPA

**Pabon, Cynthia**

*Copy to Charles 9/10/13*

**From:** Pabon, Cynthia  
**Sent:** Wednesday, September 04, 2013 2:35 PM  
**To:** 'commissioner@dep.state.nj.us'  
**Cc:** 'Fred.mumford@dep.state.nj.us'; 'terry.kell@dep.state.nj.us'  
**Subject:** Notice of award, V00242002B  
**Attachments:** Cynthia S Pabon.vcf; V00242002B Award.pdf; V00242002B Letter.pdf

Dear grant recipient:

Attached is your notice of Award/Amendment and cover letter.

Please note that due to EPA's elimination of its requirement for recipients to submit a signed Affirmation of Award for assistance agreements, you are **not required to sign and return a copy of the attached agreement**. However, if you wish to file a notice of disagreement with the award terms and conditions, you have the option of either emailing your notice to [Region2\\_GrantApplicationBox@epa.gov](mailto:Region2_GrantApplicationBox@epa.gov) or mailing it to:

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**Cynthia S. Pabon**

USEPA, Region 2  
Grants Management Specialist

(212) 637-3405 (Tuesdays & Wednesd...  
(718) 978-2595 (Mondays & Thursdays)  
[Pabon.Cynthia@epa.gov](mailto:Pabon.Cynthia@epa.gov)  
Grants and Audit Management Branch  
290 Broadway, 27th Floor  
New York, NY 10007

